



Trafficking in Persons Report 2012

Office to Monitor and Combat Trafficking in Persons

ARGENTINA (Tier 2)

Argentina is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Many sex trafficking victims from rural areas or northern provinces are forced into prostitution in urban centers or wealthier provinces in central and southern Argentina. A significant number of foreign women and children, primarily from Paraguay, Bolivia, and Peru, and, to a lesser extent, from the Dominican Republic, are subjected to sex trafficking in Argentina. A significant number of Bolivians, Paraguayans, and Peruvians, as well as Argentine citizens from poorer northern provinces, are subjected to forced labor in sweatshops, in agriculture, and in domestic work. Officials report there could be some labor trafficking victims exploited as street vendors and in forced begging in the capital. Argentina is a transit point for foreign women and girls trafficked into commercial sexual exploitation in Chile, Brazil, Mexico, and Western Europe, and some Argentine women and girls have been exploited in sex trafficking in other countries. Argentine officials reported that in 2011 the number of labor trafficking victims identified was over three times the number of sex trafficking victims identified during the same year.

The Government of Argentina does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the past year, the Government of Argentina reported identifying a record number of trafficking victims, the majority of whom were foreign labor trafficking victims. It increased prosecutions and convictions of trafficking offenders and issued numerous anti-trafficking protocols and guidelines for distinct government actors. Five shelters for trafficking victims received Argentine government support: one received funds from the federal government and others received resources from provincial or municipal authorities. Nevertheless, specialized services for trafficking victims remained uneven across the country, competing mandates and lack of coordination between federal and provincial authorities caused delays in some investigations, and significant allegations of trafficking-related complicity of government officials at the local and federal level prevented more comprehensive anti-trafficking efforts.

Recommendations for Argentina: Continue to implement vigorously the anti-trafficking law through increased efforts to investigate, prosecute, convict, and punish trafficking offenders, including public officials who may be complicit in trafficking crimes; increase funding for victim assistance, particularly through shelters and specialized services, at both the national and local level and in partnership with NGOs; continue anti-trafficking training for law enforcement and judicial personnel, and other public officials; develop and implement protocols for local-level officials to identify and assist trafficking victims; intensify law enforcement efforts to dismantle trafficking networks by investigating assets connected to trafficking crimes; continue to increase investigations of forced labor and domestic servitude crimes in both urban and rural areas, and

hold responsible companies whose supply chains benefit from forced labor; continue to strengthen anti-trafficking coordination among the federal and provincial governments and between different actors on the federal level, possibly through development of a national anti-trafficking plan; and continue efforts to raise awareness about all forms of trafficking.

Prosecution

The Government of Argentina strengthened anti-trafficking law enforcement efforts last year, particularly through increased prosecutions and convictions, although NGOs, the media, and some officials continued to report significant and unaddressed levels of complicity in human trafficking by provincial and local officials. Argentina prohibits all forms of trafficking pursuant to Law 26,364, which prescribes penalties of three to 15 years' imprisonment. Such penalties are sufficiently stringent and are equal to or exceed those prescribed for other serious crimes, such as rape. The current anti-trafficking law does not expressly state that an adult victim's initial consent to engage in an activity is irrelevant once an element of force, fraud, or coercion has been established. The Senate approved an amendment to this law during the year, addressing, inter alia, the issue of a victim's initial consent. It awaited approval by the Chamber of Deputies at the end of the year. This proposed amendment also defined "human trafficking" as the initial component of a process that is distinct from the "exploitation" that is the end of that process. This language reflected a broader shift in Argentine officials' use of the term "human trafficking," which is narrower than the definition employed in the 2000 UN TIP Protocol. NGOs and officials noted that authorities often employed archaic statutes regarding condom use against individuals operating commercial sex sites when investigating and prosecuting sex trafficking cases; the NGOs and officials commented that these statutes prescribe inadequate criminal penalties and generally modest fines.

Authorities continued significant investigations of forced labor crimes during the reporting period. Law enforcement officials coordinated with the Office for Rescue and Caring of Victims during raids. In 2011, authorities carried out 196 preliminary investigations and, as of late 2011, there were 167 ongoing trafficking prosecutions nationwide. During the reporting period, the government obtained the convictions of 19 trafficking offenders, including three labor traffickers who exploited Bolivian victims in sweatshops, with sentences ranging from two to 17 years' imprisonment. In comparison, in 2010, authorities reported achieving 15 convictions of sex trafficking and no labor trafficking offenders.

NGOs and officials noted significant efforts by the new Ministry of Security, established in December 2010, to coordinate the efforts of different federal law enforcement entities, create a database system for human trafficking crimes, and establish protocols with other ministries to strengthen federal-level collaboration. The federal government maintained an anti-trafficking prosecutor's office (UFASE), which also assisted in prosecuting kidnapping cases. UFASE coordinated its work with the anti-trafficking units in the federal police, coast guard, and the gendarmerie. In addition, at least 10 provinces maintained their own specialized law enforcement units to investigate human trafficking offenses. Some NGOs reported that coordination between law enforcement officials and judicial officials was sometimes weak at the local level. Although trafficking remained a federal crime, some trafficking cases were investigated or prosecuted at the local level under other statutes – such as those penalizing servitude or the promotion of prostitution – due to lack of knowledge or to a desire to pursue cases at the local level, and were not immediately transferred to the appropriate federal authorities. Some officials and NGOs noted significant delays caused by confusion over which authorities had jurisdiction, and in some cases testimonies were discarded during this process. The government continued to provide anti-

trafficking training to social workers and judicial and law enforcement officials, sometimes in partnership with international organizations. During the year, the federal prosecutor's office issued detailed guidelines on how to investigate labor trafficking cases, and the Ministry of Security issued written procedures for federal security forces on how to investigate trafficking cases.

According to NGOs and international organizations, some provincial, local, and, to a lesser extent, federal officials participated directly and indirectly in human trafficking crimes. Some police officers reportedly turned a blind eye to sex or labor trafficking activity or tipped off brothel owners about impending raids, and some judges reportedly did not adequately investigate signs of official complicity in trafficking cases. Authorities continued to investigate 75 federal police officers removed from their duties for trafficking-related complicity, and the former head of the anti-trafficking police unit remained under investigation for allegedly running brothels. The government, however, did not prosecute or convict any government officials involved in human trafficking in 2011.

Protection

The government reported identifying and assisting a record number of victims during the year, although services were uneven across the country. Several NGOs and some officials stated the resources the government devoted to the protection of trafficking victims seemed to be insufficient compared with the large number of victims identified. Some NGOs asserted that some officials errantly categorized cases of labor exploitation as human trafficking. The Ministry of Security reported identifying almost 1,000 victims; most of these victims were Bolivian and Paraguayan adults exploited in forced labor. In contrast, in past years authorities identified more sex trafficking victims than forced labor victims. The government's Office for Rescue and Caring of Victims of Trafficking, with an interdisciplinary team located in Buenos Aires, took initial victim statements, generally within a week of identification, and reported providing emergency post-rescue care to some trafficking victims, including access to legal, medical, and psychological services. This office reported to the press that it assisted 1,597 trafficking victims in 2011. However, the Special Rapporteur and other officials noted this number represented the total number of individuals encountered in raids, not just victims, and NGOs gave mixed assessments of the office's effectiveness, with some asserting it used flawed procedures for victim interviews.

According to NGOs and some officials, the quality and level of victim care varied widely by province, and most provinces lacked dedicated resources to care for trafficking victims, particularly forced labor victims. After victims provided their initial testimony, the Secretariat for Childhood, Adolescence, and Family (SENAF) of the Ministry of Social Development was responsible for providing follow-up assistance to them, in coordination with provincial authorities. However, specialized services and reintegration efforts were limited. SENAF reported assisting 134 victims directly and over 500 additional victims in cooperation with other provincial agencies; 63 percent decided to return to their country of origin, while only three percent decided to stay and requested assistance from SENAF. Authorities did not report what specific services victims were offered or received from SENAF, and some officials and NGOs noted that victim assistance mechanisms were often unclear. It was also unclear to what extent foreign victims were fully informed of their options before their repatriation. Only five percent of the victims assisted were Argentine. NGOs stated that the federal government's de facto protocol of quickly returning victims to their country or province of origin was not always in the best interest of the victims, and asserted that federal entities do not consistently refer victims to specialized services in those victims' communities of origin.

The Office for Rescue and Caring of Victims of Trafficking maintained a shelter in the capital to care temporarily for trafficking victims before they give their initial statement, though it was unclear how many of the victims identified during the year stayed at this shelter, or where they were housed immediately following raids. Federal, provincial, and municipal authorities supported five shelters for women and child victims of sex trafficking across the country, some in partnership with a civil society organization. In areas without these dedicated shelters, trafficking victims could be referred to existing government-operated shelters for victims of domestic violence or for at-risk children, although it was unclear if any victims received services at these institutions during the reporting period.

Argentine authorities encouraged victims to assist with the investigation and prosecution of their traffickers, and some victims did so during the year. There were no specific reports of identified victims being jailed or penalized for unlawful acts committed as a direct result of being trafficked. Authorities reported providing temporary residency to some foreign victims during the reporting period. Long-term residency was available through Argentine immigration policy, though it was not trafficking-specific, and it was unclear how many foreign victims received this status during the year. The government did not report identifying or assisting any repatriated Argentine victims of trafficking.

Prevention

The Government of Argentina maintained prevention efforts during the year. The federal human rights secretariat chaired informal interagency meetings on a biweekly basis. However, NGOs and some officials asserted that poor coordination among the federal and provincial governments continued to hinder the effectiveness of anti-trafficking efforts, as did limited or nonexistent funding for provincial and local efforts to combat trafficking. Authorities reported funding public awareness-raising efforts, including public service announcements about trafficking shown on long distance buses and aired on television.

UFASE published a review of its anti-trafficking efforts in 2011. In July 2011, the president issued a decree to ban classified advertisements for sexual services in newspapers and magazines, and created a monitoring office to enforce this prohibition. Some NGOs and media outlets claimed this decree was unconstitutional, as prostitution remained legal in Argentina. In an effort to prevent the use of forced labor, the province of Mendoza passed a law barring any business found to employ child labor or slave labor from benefiting from provincial tax, economic, financial or any other benefits provided by the province for a period of two years. NGOs continued to report some isolated cases of child sex tourism, although there were no reported investigations or prosecutions for this crime. The government did not report providing anti-trafficking training to Argentine troops prior to their deployment abroad on international peacekeeping operations.